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EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/390,420

Applicant(s)

Field et al

M

Examiner

Blount

Group Art Unit

2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 6,404,782 to Berenbaum et al.

With regard to claim 17, Berenbaum et al teaches signal which is carried over an ATM link wherein the signal comprises a superframe with a plurality of frames (see figure 2) with first component 58 and second (reduced) component 57.

With regard to claim 22, each frame of the superframe in figure 2 comprises reduced rate (signaling) second components for a same number of traffic streams.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 5, 7, 9, 13, 19, and 23-26 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,404,782 to Berenbaum et al in view of U.S. patent 6,243,382 to O'Neill et al.

With regard to claims 1, 5, 7, and 9, Berenbaum teaches receiving traffic streams comprised of payloads 58, and also of on/off hook signaling (ie, reduced rate) messages 57, wherein the members 57 (second components) are ultimately distributed between a defined set of the cells for in-band transmission. See col 4, lines 18+. Berenbaum does not, however, explicitly teach the well known fact that ATM cells (such as those taught in Berenbaum) are often formed by *segmenting* larger packets into a reduced cell size for transmission through an ATM network. This is taught in O'Neill et al. See col 2, lines 20-40. (Interhost communication messages generally too long to fit in an ATM payload, see also col 2, l 26+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have formed the "voice samples" (col 6, l 29) of Berenbaum et al by segmenting them into smaller packets from their larger traffic stream components, in light of the teachings of O'Neill et

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al, in order to be able to carry large packets of telephony messages through a cellular, ATM network at greater speed, and with the capability of also carrying signaling data within the said ATM cells.

With regard to claim 23, note that O'Neill teaches a device for reformatting the telephony streams into cells, and Berenbaum et al teaches a device for distributing the second, reduced rate components 57 between a defined set of cells for their in-band transmission.

With regard to claim 2, the second components are substantially evenly distributed between the defined set of cells, as shown in figure 2 of Berenbaum et al.

With regard to claim 3, the position of the payloads in figure 2, as well as the fact that it is suggested in Berenbaum that the payloads fill the entire data storage area would render it obvious to one of ordinary skill in the art at the time of the invention to segment the first component of each traffic stream into a fixed position in the successive cells.

With regard to claim 4, there is no intervening superframe information in Berenbaum et al.

With regard to claim 13, see col 2, lines 55-60 of Berenbaum et al where assembling information into cells by storing at least some of it into memory before the assembling is taught in col 2, lines 55-60.

With regard to claim 19, see the rejection of claims 3 and 17 above.

With regard to claims 24-26, note the rejection of claims 23, 2, 3, and 5 above.

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5. Claims 6, 8, 10-12, 14-16, 18, 20-21, and 27-28 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,404,782 to Berenbaum et al in view of U.S. patent 6,243,382 to O'Neill et al as applied to claims 1-4, 5-7, 9, 13, 19, and 23-26 above, and further in view of Applicants admitted prior art (hereinafter referred to as AAPA).

With regard to claim 6, Berenbaum et al/O'Neill et al teach the invention as described above with respect to claim 1, but do not teach the reduced rate second component 57 to be received as superframe information. AAPA teaches this on page 3, line 5 of the written portion of the specification. It would have been obvious, to one of ordinary skill in the art at the time of the invention to have applied the technique of segmentation/in-band transmission of control data taught in Berenbaum/O'Neill et al to the situation where the second rate component is received as superframe information, in light of the teachings of AAPA, in order to solve the known problems associated with carrying the control data in this (superframe) manner, including an increase in bandwidth.

With regard to claims 8 and 10, see page 3 of AAPA; with regard to claim 14, see the rejections above as well as page 3 of AAPA; with respect to claim 18, see the rejection of claim 17 as well as page 3 of AAPA; with regard to claim 20, see see page 3 of AAPA, with respect to claim 21, see page 3 of AAPA, with respect to claim 27, see page 3 of AAPA.

With regard to claim 11, it is well known to have a data value repeated in a cell when it is necessary or desirable to have the values account for more than one parameter, such as repeating

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a value that represents multiple storage locations, and it would be obvious to repeat CAS values in each AAL cell in order provide a more compact transmission.

With regard to claims 12 and 28, see col 6, lines 55+ of Berenbaum et al and note that it is common to use various numbers of bits to represent different signal schemes or values.

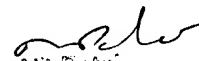
With regard to claims 15-16, it would have been obvious to provide the superframe of AAL cells with either 24 or 16 cells in number, in light of the Officially Noted fact that in North America, the DCE updates the CAS value at least once every 24 DS-0's, and in Europe, at least once every 16 DS-0's.

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**Contact Information**

6. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 872-9302 (responses before final) and 703-872-9303 (responses after final). Should Applicant desire to submit a DRAFT response to the Examiner by facsimile transmission, then Applicant should contact the Examiner at the number below for instructions concerning the transmission of DRAFT documents. Applicant is reminded to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday.

7. Any inquiry concerning this communication should be directed to Examiner Steven Blount at telephone number (703) 305-0319.

  
Agil Patel  
Examiner

SB

10/16/02

